


In denying the motion, the court does not suggest that the State of Texas is foreclosed at a later procedural stage from establishing that plaintiffs' claims against it are entirely duplicative of their official capacity claims and that the State should therefore be dismissed as a defendant. It is clearly established that a suit against a government official in his or her official capacity is "only another way of pleading an action against an entity of which [the official] is an agent." *Monell v. Dep't of Soc. Servs. of N.Y.*, 436 U.S. 658, 690 n.55 (1978). "As long as the government entity receives notice and an opportunity to respond, an official-capacity suit is . . . treated as a suit against

the entity.” *Kentucky v. Graham*, 473 U.S. 159, 166 (1985).

SO ORDERED.

August 17, 2018.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE